

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re:

**Subpoena Issued to Caldwell Cassady
& Curry**

Miscellaneous Action No. _____

[Underlying Case Pending in Northern
District of California, CA No. 3:22-cv-
01832-WHO]

**DECLARATION OF DEXTER WHITLEY IN SUPPORT OF APPLE INC.'S
MOTION TO QUASH DOCUMENT SUBPOENA OR, IN THE
ALTERNATIVE, TO TRANSFER**

I, Dexter J. S. Whitley, hereby declare as follows:

1. I am an associate in the law firm of Fish & Richardson P.C., counsel of record for Defendant Apple Inc. in the above-captioned matter. I have personal knowledge of all the facts contained herein and, if called as a witness, I could and would testify competently thereto.

2. On April 6, 2023, my colleague, Karrie Wheatley, Ph.D, emailed Nehushtan Trust, Ltd. (“the Trust”) regarding Apple Inc.’s (“Apple”) intent to file a motion to quash the Trust’s subpoena to Caldwell, Cassady, & Curry.

3. That same day, beginning at 3:30 p.m. Pacific Time, Dr. Wheatley met and conferred by telephone with counsel for Plaintiff regarding the relief sought by Apple’s Motion to Quash Document Subpoena, or in the Alternative, To Transfer.

4. Plaintiff's counsel has indicated that Plaintiff will oppose Apple's Motion to Quash. Plaintiff's counsel further indicated that its basis for issuing the subpoena to Caldwell, Cassady, & Curry is that the documents sought are relevant to its damages contentions.

I declare under the penalty of perjury of the laws of the United States of America that the foregoing is true and correct. Executed on April 10, 2023, in Atlanta, Georgia.

/s/ Dexter J. S. Whitley
Dexter J. S. Whitley

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2023, I filed DECLARATION OF DEXTER J. S. WHITLEY IN SUPPORT OF APPLE INC.'S MOTION TO QUASH DOCUMENT SUBPOENA OR, IN THE ALTERNATIVE, TO TRANSFER with the Clerk of Court using the CM/ECF system and served true copies of same via email on the following counsel of record in *R. N Nehushtan v. Apple Inc.*, Case No. 3:22-cv-01832-WHO, (N.D.C.A.).

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/s/ Dexter J. S. Whitley

Dexter J. S. Whitley